

REMARKS

The following remarks are provided in response to the Final Office Action dated September 22, 2004 in which the Examiner:

- rejected claims 1, 4, 6, 9, 11, and 14 under 35 U.S.C. §103(a) as being unpatentable over Orfali et al., "Client / Server Survival Guide," 127-201, John Wiley & Sons (3d ed. 1999) (hereinafter Orfali) in view of United States Patent No. 6,125,352 to Franklin et al. (hereinafter Franklin);
- rejected claims 2, 7, and 12 under 35 U.S.C. §103(a) as being unpatentable over Orfali in view of Franklin and further in view of United States Patent No. 6,161,123 to Renouard et al. (hereinafter Renouard);
- rejected claims 5, 10, and 15 under 35 U.S.C. §103(a) as being unpatentable over Orfali in view of Franklin and further in view of United States Patent No. 6,324,587 to Trenbeath et al. (hereinafter Trenbeath);
- rejected claims 3, 8, and 13 under 35 U.S.C. §103(a) as being unpatentable over Orfali in view of Franklin and Renouard and further in view of United States Patent No. 6,157,941 to Verkler et al. (hereinafter Verkler);
- rejected claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Orfali in view of United States Patent No. 6,496,862 to Akatsu et al. (hereinafter Akatsu)

The applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully requests that the Examiner withdraw all rejections.

App. No. 09/748,085
Docket No. 42390.P9719

8

Examiner: A. Toon
Art Unit: 2661

35 U.S.C. §103(a)

The Examiner rejected claims 1, 4, 6, 9, 11, and 14 under §103(a) as being unpatentable over Orfali in view of Franklin. For at least the foregoing reasons the applicant traverses the Examiner's rejection.

A *prima facie* case of obviousness under 35 U.S.C. §103 requires, among other criteria, that "... the prior art reference (or references when combined) must teach or suggest **all** the claim limitations." (emphasis added) (See M.P.E.P. 706.02(j) and 2143.03). To overcome a §103(a) rejection, the applicants must only demonstrate that the cited prior art document or documents fail individually and in combination to teach or suggest one element or limitation present in the claim.

Currently amended independent claim 1 recites in a salient portion:

storing the packet locally **in a packet file**;
forwarding the packet **from the packet file** with a local client messaging application to a server messaging application on a server **via a network connection managed by the client messaging application**;
(emphasis added)

Currently amended independent claims 6 and 11 recite a similar limitation. The applicant agrees with the Examiner that Orfali fails to disclose generating a packet with a local application and storing the packet locally. The Examiner, however, alleges that Franklin column 11 lines 44-55, column 13 lines 5-35, and Figure 1 elements Web Browser 120 and Commerce Client 122 located at the Consumer Computer 102 disclose generating a packet with a local application and storing the packet locally. The applicant asserts that Franklin column 11 lines 44-55 disclose the generation of an HTTP POST message by the Web Browser 120. The applicant further asserts that Franklin column 13 lines 5-35

disclose the Web Browser 120 invoking local functions on the consumer computer 102. The applicant affirms however that there is not only no indication that the HTTP POST message (whether sent to the merchant Web site 104, 106, or to invoke local functions on the consumer computer 102) is stored locally, but also that there is no indication that the HTTP POST message is stored locally in a packet file as recited by currently amended independent claims 1, 6, and 11.

The Examiner further alleges that Orfali Figure 7-14, in particular the cloud network covering steps 2 and 5, discloses a network connection managed by the client messaging application as recited by currently amended independent claims 1, 6, and 11. The applicant respectfully disagrees. Orfali Figure 7-14 and discussion thereof on page 155 do not address the management of the network connection as the cloud network covering steps 2 and 5 is illustrated abstractly with no indication as to its management.

Accordingly, the applicant submits that currently amended claims 1, 6, and 11 are patentable as each recites at least an element not taught by Orfali in view of Franklin. As dependent claims 2-5, 7-10, and 12-15 depend from nonobvious independent claims, the dependent claims are also nonobvious. (See M.P.E.P. §2143.03 (citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988))).

The Examiner further rejected claims 16 and 17 under §103(a) as being unpatentable over Orfali in view of Akatsu. For at least the foregoing reasons the applicant traverses the Examiner's rejection.

Currently Amended independent claim 16 recites in a salient portion:

... a client electronic system having one or more processors to run one or more programs and a memory system coupled to the processor, the memory system to store, in a packet file, one or more message packets generated by a local application, wherein the one or more processors also runs a messaging client that

forwards message packets stored in the memory system;
(emphasis added)

As noted with respect to the Examiner's rejection of independent claims 1, 6, and 11, the applicant agrees with the Examiner that Orfali fails to disclose generating a packet with a local application and storing the packet locally. The applicant affirms that Akatsu does not cure Orfali's defect. For example, Akatsu column 3 lines 49-53 indicate generating an output data packet comprising the response from the particular node and forwarding the output data packet to the external network. The applicant affirms, however, that Akatsu does not disclose that the output data packet is stored in a packet file as recited by currently amended independent claim 16.

Accordingly, the applicant submits that currently amended claims 16 is patentable as it recites at least an element not taught by Orfali in view of Akatsu. As dependent claim 17 depends from a nonobvious independent claim, the dependent claim is also nonobvious. (See M.P.E.P. §2143.03 (citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988))).

App. No. 09/748,085
Docket No. 42390.P9719

11

Examiner: A. Ton
Art Unit: 2661

CONCLUSION


For at least the foregoing reasons, the applicant submits that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN, L.L.P.

2/22/05
Dated



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